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NOTICE OF ALLOWANCE AND FEE(S) DUE

35940

7590

12/23/2009

ATER WYNNE LLP
1331 NW Lovejoy St. Suite 900
PORTLAND, OR 97209-2785

EXAMINER

SIDDIQI, MOHAMMAD A

ART UNIT

PAPER NUMBER

2454

DATE MAILED: 12/23/2009

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,202	02/03/2004	Joel Thorson	104015-0003	4219

TITLE OF INVENTION: METHOD AND APPARATUS FOR A MESSAGE TARGETING AND FILTERING DATABASE SYSTEM

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$755	\$300	\$0	\$1055	03/23/2010

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE** OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** **Mail Stop ISSUE FEE**
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

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(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,022	02/03/2004	Joel Thorson	104015-0003	4219

TITLE OF INVENTION: METHOD AND APPARATUS FOR A MESSAGE TARGETING AND FILTERING DATABASE SYSTEM

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$755	\$300	\$0	\$1055	03/23/2010

EXAMINER	ART UNIT	CLASS-SUBCLASS
SIDDIQI, MOHAMMAD A	2454	709-206000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB-122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB-47; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2
3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____
Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.**

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10/772,202	02/03/2004	Joel Thorson	104015-0003	4219
35940	7590	12/23/2009	EXAMINER	
ATER WYNNE LLP 1331 NW Lovejoy St. Suite 900 PORTLAND, OR 97209-2785			SIDDIQI, MOHAMMAD A	
			ART UNIT	PAPER NUMBER
			2454	

DATE MAILED: 12/23/2009

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 1015 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 1015 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability

Application No.

10/772,202

Examiner

MOHAMMAD A. SIDDIQI

Applicant(s)

THORSON, JOEL

Art Unit

2454

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/10/2009.
2. ☒ The allowed claim(s) is/are 1-8,10,12-15,17, and 19-23 (Please re-arrange claims 1-19).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

/NATHAN FLYNN/
Supervisory Patent Examiner, Art Unit 2454

DETAILED ACTION

1. Claims 1-8, 10, 12-15, 17, and 19-23 are allowed.

EXAMINER'S AMENDMENT

The term "storage media" found in the claims has been interpreted in view of current case law to include only "non-transitory computer readable storage media"

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. James J. Stewart on 12/17/2009.

2. Please replace paragraph [00010] as follows:

IN THE SPECIFICATION:

[00010] The invention is a message targeting and filtering system and method based on an extreme application of distributed database technology in which the central database service defines a uniform data format or "schema," but is otherwise relegated to a subordinate role in which it performs only storage and clearinghouse functions that do not require unencrypted data access. All database functions requiring unencrypted data access, including modification, querying and schema migration of data records, are

delegated to client-side software agents deployed on devices under the personal control of individual database subjects. The invention contemplates various methods of data security and various methods of anonymous payments for message consumption by way of machine-executable medium storage media comprising instructions executed by a machine (alternatively referred to herein as machine-accessible medium comprising content that, when accessed by a machine, causes the machine to perform recited steps), e.g. classic computer software operating to specially alter or adapt a general-purpose computer to serve a special inventive purpose.

3. Please replace claims as follows:

IN THE CLAIMS:

1. (Previously presented) A secure messaging system comprising:
 - a personal record comprising a personal profile about a subject and a message filtering policy determined by the subject;
 - an anonymity service, the anonymity service being an intermediary between the subject and a message sponsor, the message sponsor desiring to send a message to the subject based on the personal record;
 - a message deposit sent to the anonymity service by the message sponsor wherein the message deposit comprises the message, a message targeting specification, and a message profile;
 - a database maintained by the anonymity service, the personal record being stored in the database in an encrypted state, the anonymity service having an access to the personal record only in the encrypted state;
 - a resident application residing on a client device under control of the subject, the resident application managing access to the personal record in an unencrypted state by use of a security element including an encrypted private key;
 - a quarantine memory, the quarantine memory being a secure area of system memory on the client device; and
 - a session agent configured to perform a database operation on the personal record in the unencrypted state in the quarantine memory,
 - wherein the resident application, the quarantine memory and the session agent all reside on the client device under control of the subject, and
 - wherein the resident application, the quarantine memory and the session agent collectively secure the personal record and the private key in an unencrypted state against access by the anonymity service.

2. (Original) The system of claim 1 wherein the database operation comprises:
a database query which compares the message profile to the message filtering policy; and
a database query which compares the personal profile to the message targeting specification.
3. (Original) The system of claim 1 further comprising:
a query result sent to the anonymity service from the resident application;
a message delivery sent from the anonymity service to the resident application;
and
a delivery confirmation sent from the resident application to the anonymity service.
4. (Original) The system of claim 1 wherein the database operation comprises a data record modification.
5. (Original) The system of claim 1 wherein the database operation comprises a schema migration.
6. (Original) The system of claim 1 further comprising a delivery notification sent from the anonymity service to the sponsor wherein the delivery notification comprises:
an anonymous proof of delivery;
an anonymous response from the subject; and
an anonymous payment record.
7. (Previously presented) The system of claim 2 further comprising an interactive response from the subject.

8. (Currently amended) A secure messaging method comprising:

maintaining a personal record belonging to a subject in a centralized database in an encrypted form, the personal record comprising a personal profile and a message filtering policy; [[and]]

distributing a database operation from the centralized database to a client device, wherein the database operation is performed on the personal record in an unencrypted form in a quarantine memory at the client device by use of a security element including an encrypted private key securely maintained by and accessible only to the subject such that the encrypted private key is inaccessible to the anonymity service, and wherein distributing the database operation from the centralized database to the client device comprises:

downloading a session agent by a resident application, the resident application being resident on the client device, the session agent comprising a software update, the personal record, and the security element including the encrypted private key, and

performing a database query by the session agent on the personal record in an unencrypted form; and

establishing an intermediary between the subject and a message sponsor for the purpose of allowing the message sponsor to send a message to the subject based on the personal profile while maintaining an anonymity of the subject.

9. (Canceled)

10. (Original) The method of claim 8 wherein the client device comprises a device capable of sending and receiving a signal over a digital network, the client device being under a physical control of the subject.

11. (Canceled)

12. (Currently amended) The method of claim [[11]]8 wherein establishing the intermediary between the subject and the message sponsor comprises:
 - receiving a message deposit from the message sponsor, the message deposit comprising a message, a message targeting specification, and a message profile;
 - negotiating permission to deliver the message to the subject;
 - delivering the message to the subject;
 - receiving a delivery confirmation from the subject; and
 - sending the delivery confirmation to the message sponsor while maintaining an anonymity of the subject.
13. (Original) The method of claim 12 wherein negotiating permission to deliver the message comprises:
 - performing a targeting database query wherein the message targeting specification is compared to the personal profile; and
 - performing a filtering database query wherein the message filtering policy is compared to the message profile.
14. (Original) The method of claim 12 further comprising:
 - accounting for a message charge to the message sponsor;
 - accounting for a message credit to the subject;
 - communicating the message charge to an external payment system; and
 - communicating the message credit to an external payment system.

15. (Currently amended) ~~A machine-executable medium~~ Storage media comprising instructions that, when executed by a machine, cause the machine to:

maintain a personal record belonging to a subject in a centralized database in an encrypted form, the personal record comprising a personal profile and a message filtering policy; [[and]]

distribute a database operation from the centralized database to a client device, wherein the database operation is performed on the personal record in an unencrypted form in a quarantine memory at the client device by use of a security element including an encrypted private key securely maintained by and accessible only to the subject such that the encrypted private key is inaccessible to all others, and wherein causing the machine to distribute the database operation from the centralized database to the client device comprises causing the machine to:

download a session agent by a resident application, the resident application being resident on the client device, the session agent comprising a software update, the personal record, and the security element including the encrypted private key, and

perform a database query by the session agent on the personal record in an unencrypted form; and

establish an intermediary between the subject and a message sponsor for the purpose of allowing the message sponsor to send a message to the subject based on the personal profile while maintaining an anonymity of the subject.

16. (Canceled)

17. (Currently amended) ~~The machine-executable medium~~ storage media of claim 15 wherein the client device comprises:

a device capable of sending and receiving a signal over a digital network, the client device being under a physical control of the subject.

18. (Canceled)

19. (Currently amended) The ~~machine-executable-medium~~ storage media of claim [[18]]15 wherein causing the machine to establish the intermediary between the subject and the message sponsor comprises causing the machine to:

- receive a message deposit from the message sponsor, the message deposit comprising a message, a message targeting specification, and a message profile;
- negotiate permission to deliver the message to the subject;
- deliver the message to the subject;
- receive a delivery confirmation from the subject; and
- send the delivery confirmation to the message sponsor while maintaining an anonymity of the subject.

20. (Currently amended) The ~~machine-executable-medium~~ storage media of claim 19 wherein causing the machine to negotiate permission to deliver the message comprises causing the machine to:

- perform a targeting database query wherein the message targeting specification is compared to the personal profile; and
- perform a filtering database query wherein the message filtering policy is compared to the message profile.

21. (Currently amended) The ~~machine-executable-medium~~ storage media of claim 19 further comprising causing the machine to:

- account for a message charge to the message sponsor;
- account for a message credit to the subject;
- communicate the message charge to an external payment system; and
- communicate the message credit to an external payment system.

22. (Previously Presented) The system of claim 1 wherein the quarantine memory at least temporarily contains the personal record in an unencrypted state and a private key also in an unencrypted state.

Art Unit: 2454

23. (Previously Presented) The system of claim 22, wherein the quarantine memory contents including the personal record and the private key are deleted at an end of a client session.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MOHAMMAD A. SIDDIQI whose telephone number is (571)272-3976. The examiner can normally be reached on Monday -Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Flynn can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MS

/NATHAN FLYNN/

Supervisory Patent Examiner, Art Unit 2454